

Article 13. Land Use Permits.

16-1301 The Codes Administrator or his/her duly authorized representative shall be empowered to act within the provisions of this Ordinance upon all applications for land use permits. In the event of refusal to issue a permit upon an application, as herein provided, the applicant shall have the right to appeal to the Board of Appeals as set forth in Article 16.

1301.1 USES REQUIRING PERMITS. No open, vacant or unimproved land shall be used for any purpose other than agricultural without first obtaining a Land Use Permit from the Codes Administrator or his/her duly authorized representative. Land Use Permits shall be required for, but not limited to, the following uses:

- A. Parking lots not included in a building permit.
- B. Used car or auto storage lots.
- C. Machinery, equipment or materials storage yards.
- D. Skeet shoots or target ranges.
- E. Commercial, public or semi-public recreation areas, such as ballparks, golf courses, race tracks, fairs and similar temporary or permanent uses.
- F. Refuse dumps or sanitary landfills.
- G. Picnic groves, fishing lakes.
- H. Cemeteries.
- I. Nurseries.

1301.2 APPLICATION PROCEDURE. Applications for land use permits shall be filed with the Codes Administrator upon forms prescribed, setting forth the legal description of the lot, tract or parcel of land, together with a general description of the intended use.

No permit shall be issued for any land use unless the same be in conformity in every respect with all the provisions of this Ordinance of the City of Gardner.

The Codes Administrator or his/her duly authorized representative shall be empowered to act within the provisions of this Ordinance upon all applications for land use permits, and the same shall be approved or denied not later than the tenth business day succeeding the day of filing. In the event of refusal to issue a permit upon an application, as herein provided, the applicant shall have the right to appeal to the Board of Appeals as set forth in Article 20.

1301.3 PERMIT FEES. The Land Use Permit shall be paid as established by the Governing Body by Resolution. (Ord. 2019, Sec. 1)

1301.4 PERMITS REVOKED. A permit may be revoked by the Codes Administrator at any time prior to completion, when it shall appear to him/her that there is departure from the conditions as required under terms of the permit, that the same was procured by false representation or was

issued by mistake, or that any of the provisions of this Ordinance are being violated. Written notice of each revocation shall be served upon the Owner, his/her agent or contractor, or upon any person employed for which such permit was issued, or shall be posted in a prominent location, and thereafter no such construction shall proceed.

- 1301.5 RIGHT-OF-WAY REQUIRED. When a land use permit is requested on a lot or tract abutting a public street, and such lot or tract is unplatted, the Codes Administrator shall determine that adequate right-of-way exists on that portion of the public street abutting said property. The minimum right-of-way, measured from the centerline of said street to the property line of said lot or tract, shall be as follows:

Single Family Area	30 Feet
Multi Family & Industrial Areas.....	30 Feet
Secondary Thoroughfares (including collectors).....	40 Feet
Primary Thoroughfares	50 Feet
Arterial Thoroughfares	55 Feet

- 1301.6 RIGHT-OF-WAY REQUIRED. In any case where the abutting right-of-way does not clearly comply with the above dimensions, a land use permit shall not be issued for the lot or tract until title for the required additional right-of-way has been conveyed to the City of Gardner in keeping with established procedures. (Ord. 1562, Sec. 2)